



House of Representatives

General Assembly

File No. 468

January Session, 2005

Substitute House Bill No. 6770

House of Representatives, April 20, 2005

The Committee on Public Health reported through REP. SAYERS of the 60th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING FOOD ALLERGIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 19a-36 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2005*):

4 (a) The Commissioner of Public Health shall establish a Public
5 Health Code and, from time to time, amend the same. The Public
6 Health Code may provide for the preservation and improvement of
7 the public health.

8 (1) Said code may include regulations pertaining to retail food
9 establishments, including, but not limited to, food service
10 establishments, catering food service establishments and itinerant food
11 vending establishments.

12 (2) Drainage and toilet systems to be installed in any house or
13 building arranged or designed for human habitation, or field

14 sanitation provided for agricultural workers or migratory farm
15 laborers, shall conform to minimum requirements prescribed in said
16 code.

17 (3) Said code may include regulations requiring toilets and
18 handwashing facilities in large stores, as defined in such regulations,
19 in shopping centers and in places dispensing food or drink for
20 consumption on the premises, for the use of patrons of such
21 establishments, except that the provisions of such regulations shall not
22 apply to such establishments constructed or altered pursuant to plans
23 and specifications approved or building permits issued prior to
24 October 1, 1977.

25 (4) The provisions of such regulations [(1)] (A) with respect to the
26 requirement of employing a qualified food operator and any reporting
27 requirements relative to such operator, shall not apply to an owner or
28 operator of a soup kitchen who relies exclusively on services provided
29 by volunteers, and [(2)] (B) shall not prohibit the sale of food at a
30 noncommercial function such as an educational, religious, political or
31 charitable organization's bake sale or pot luck supper provided the
32 seller maintains such food under the temperature, pH level and water
33 activity level conditions [which] that will inhibit the rapid and
34 progressive growth of infectious or toxigenic microorganisms. For the
35 purposes of this section, a "noncommercial function" means a function
36 where food is sold by a person not regularly engaged in the business of
37 selling such food.

38 (5) The provisions of such regulations with respect to qualified food
39 operators shall require that the contents of the test administered to
40 qualified food operators include elements testing the qualified food
41 operator's knowledge of food allergies.

42 (6) Each regulation adopted by the Commissioner of Public Health
43 shall state the date on which it shall take effect, and a copy [thereof] of
44 the regulation, signed by the Commissioner of Public Health, shall be
45 filed in the office of the Secretary of the State and a copy sent by said
46 commissioner to each director of health, and such regulation shall be

47 published in such manner as the Commissioner of Public Health may
48 determine.

49 (7) Any person who violates any provision of the Public Health
50 Code shall be fined not more than one hundred dollars or imprisoned
51 not more than three months or both.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2005	19a-36(a)
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PH *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Public Health, Dept.	GF - Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires the Department of Public Health (DPH) to amend its regulations to require that tests taken by individuals seeking to become qualified food operators include elements testing knowledge about food allergies.

Qualified food operators are not directly certified by the DPH. However, per state regulation, a qualified food operator must maintain documentation that he or she has passed a test administered by a testing organization approved by the department and provide this documentation to a local director of health, registered sanitarian or other authorized agent upon request. There are currently four national entities that have been approved by the DPH as qualified food operator testing organizations. Their approval period lasts for five years.

It is anticipated that the DPH can amend its regulations to incorporate the bill's provisions within its normally budgeted resources. However, it should be noted that the department is unaware of any modifications made to the national examinations since the time of their last approval by DPH which would result in their incorporating questions about food allergies. If this is indeed the case, it is unclear whether the amending of regulations by the department to require the inclusion of such questions would prompt the testing

organizations to modify their examinations, or whether doing so would render all presently available food operator tests insufficient to comply with Connecticut regulations.

If the Department were to have to procure a new examination for use in Connecticut, a potentially significant cost may result.

OLR Bill Analysis

sHB 6770

AN ACT CONCERNING FOOD ALLERGIES**SUMMARY:**

The bill directs that Department of Public Health (DPH) regulations on qualified food operators require that the test given to them include elements testing their knowledge of food allergies.

Existing DPH regulations require anyone who owns, operates, or manages a Class III or Class IV food service establishment to be a qualified food operator or employ on site at least one qualified food operator in a supervisory position at the facility. In order to be designated as such, a qualified food operator must pass a test administered by a DPH-approved testing organization that addresses the individual's knowledge of safe food handling techniques (DPH Regs. § 19-13-B42(s)(4)).

A Class III establishment has on its premises potentially hazardous foods prepared by hot processes and consumed by the public within four hours of preparation. A Class IV establishment is the same except its food is held for more than four hours before public consumption.

EFFECTIVE DATE: October 1, 2005

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 21 Nay 5